

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YAACOV APELBAUM and XRVISION,
LTD.,

Case No. 2:23-cv-11718

Plaintiffs,

HONORABLE STEPHEN J. MURPHY, III

v.

STEPHANIE LYNN LAMBERT, et al.,

Defendants.

_____ /

ORDER TO SHOW CAUSE

Plaintiffs Yaacov Apelbaum and XRVision sued Defendants Stefanie Lambert, The Law Office of Stefanie L. Lambert, and Bill Bachenberg and alleged libel, slander, breach of contract, tortious interference, promissory estoppel, and unjust enrichment. ECF 1. After Plaintiffs made multiple attempts to serve Defendants with the complaint and summons, the Court granted Plaintiffs' motion for alternate service. ECF 10. Plaintiffs timely filed a notice and proof of several attempts at alternate service. ECF 11. Plaintiffs represented that they "successfully served an adult at one residence but were unsuccessful at serving an adult at the remaining three residences, despite six [] separate service attempts at each residence." *Id.* at 178. Plaintiffs successfully mailed all service materials to all five addresses. *Id.*

The Court believes that Plaintiffs' alternate service actions are "reasonably calculated to give [Defendant Lambert] actual notice of the proceedings." Mich. Ct. R. 2.105(J)(1). And Plaintiffs complied with the Court's order allowing alternate service

by attempting to serve Defendants a total of thirty-nine times before January 5, 2024, the date specified in the Court's order. *See* ECF 10; ECF 11 (explaining all of Plaintiffs' attempts to serve Defendants). The Court will therefore accept proof of service as of the date of Plaintiffs' notice, January 5, 2024. *Id.*

Defendants had to answer or otherwise respond to the complaint by January 26, 2024. *Id.*; *see* Fed. R. Civ. P. 12(a)(1)(A)(i) (requiring that a defendant must serve a responsive pleading "[twenty-one] days after being served with the summons and complaint"). Defendants have not responded to the complaint and Plaintiffs have taken no further action in the case against Defendants. The Court will therefore order Plaintiffs to show cause for why the case against Defendants should not be dismissed for failure to prosecute. Failure to show cause will result in dismissal of the case.

WHEREFORE, it is hereby **ORDERED** that Plaintiffs must **SHOW CAUSE no later than February 23, 2024** for why the case should not be dismissed for failure to prosecute.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 16, 2024